MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

MARCH 5 2013

INVOCATION:
Lt. Paul Swain of the Salvation Army gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Boysen led the Pledge of Allegiance.

CALL TO ORDER

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Public Works/City Engineer Whitehead, Deputy City Manager Barnhard, Utilities Engineer Kahn, Deputy City Manager Lara, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:

PROCLAMATION – ARBOR DAY
Councilmember Zuniga read a proclamation declaring March 7, 2013, as "Arbor Day" in the City of Santa Maria to support the well-being of our future generations and encourage community members to plant trees to assist in restoring our City's urban forest. The proclamation was accepted by Dick and Joyce Hall on behalf of the Recreation and Parks Department. Student speakers Clarissa Vargas and Araneg Leon-Velazquez, both representing Sanchez Elementary School, read a story and a poem. Amanda Casares and Joaquin Corona representing Tunnell Elementary School read a story about trees.

2. PUBLIC COMMENT:
Willie Galvan congratulated the Council for coming together and appointing Councilmember Green. He also congratulated City Manager Haydon on putting together an effective plan to make the appointment, and expressed his appreciation for the efforts in improving the City.

Hazel Putney, representing PUEBLO, spoke about an incident that occurred at the PUEBLO office regarding a person who came in to discuss immigration reform.

Darrell Parker introduced Boy Scout Troop 93 members Nathan Cofield, Sean Parker, and Caleb Wright.

3. CONSENT CALENDAR:
Councilmember Zuniga asked to comment on Items 3G and 3H. Councilmember Boysen asked to comment on Item 3H.

Item 3G – Proposition 1B Transit Capital Grant
Councilmember Zuniga asked for a more in depth explanation of why the Proposition 1B funding cannot be spent on other transit needs.

Director of Public Works/City Engineer Whitehead responded that Proposition 1B funding can only be used for capital projects that are important to sustain the high quality transit services to the community. The additional $625,000 grant augments an already budgeted amount of $350,000 for the Bus Washer, for a more efficient way to keep our buses clean and maintained. Currently, the buses are handwashed.

Item 3H – Licensed Agreement with GTE Mobilnet of Santa Barbara
Councilmember Zuniga expressed concerns that the language in the resolution that was not clear in that revenues received from this project would be earmarked specifically for improvements at Oakley Park, and suggested adding language to Item #2 of the resolution to add the words "and/or services" after the word "improvements." It would allow other services at Oakley Park such as an ASES program for children.

Councilmember Boysen commented that he does not agree with the idea that cell towers are hidden and that he does not like monopines. They should be placed in plain sight.

Consent Calendar Items 3A through 3H, with the amendment to Resolution No. 2013-25 to include the words "and/or services" in Item No. 2, were approved on motion by Councilmember Orach, seconded by Councilmember Boysen, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of February 19, 2013, were approved as submitted.

C. RELEASE OF BONDS.
The City Council accepted as complete the public improvements associated with Concha Investments, Tract 5855, and released the Faithful Performance Bond [#600011] in the amount of $2,416.80 posted in the form of a Certificate of Deposit for the installation of 24 street and easement trees.

D. WARRANTS.
Warrant Nos. 178112 to 178346 totaling $1,116,763.72 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 171188, 177788, 177827, 177923, and 178057 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. ANNUAL TECHNICAL AMENDMENTS
The City Council conducted the second reading by title only of Ordinance No. 2013-02 making technical amendments to the Santa Maria Municipal Code.

Ordinance No. 2013-02 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO CITATION AUTHORITY, MEMBERSHIP ON CITY'S EMERGENCY SERVICES COUNCIL, SPECIAL POLICE OFFICERS, PERSONNEL, ELECTION PROCEDURES, PROPERTY NUISANCE, PROHIBITING PRIVATE VEHICLES AT THE TRANSIT CENTER, STORMWATER REGULATION, PUBLIC PROJECTS, AND REGULATING ACCESS TO CITY FACILITIES.

G. PROPOSITION 1B CALIFORNIA TRANSIT CAPITAL GRANT FUNDING
Resolution No. 2013-24 was adopted approving receipt of Proposition 1B California Transit Capital grant funding from the State of California.

Resolution No. 2013-24 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING PROPOSITION 1B TRANSIT CAPITAL PROJECTS.

H, VERIZON WIRELESS LICENSE AGREEMENT
Resolution No. 2013-25 was adopted as amended authorizing an agreement with GTE Mobilnet of Santa Barbara Limited Partnership, doing business as Verizon Wireless for the lease of a cellular communications site at Oakley Park.

Resolution No. 2013-25 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND DIRECTING THE DIRECTOR OF UTILITIES TO EXECUTE A LICENSE AGREEMENT WITH GTE MOBILNET OF SANTA BARBARA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS.

4. ANNUAL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES
Chief Deputy City Clerk Garietz gave a presentation as detailed in the written Council Agenda Report. The City Council considered making appointments to various City Boards and Committees. The City Council was requested to make one appointment to the Block Grants Advisory Committee, and direct staff to readvertise the remaining vacancy, three appointments to the Measure U2012 Citizens' Oversight Committee, and one appointment to the Recreation and Parks Commission.

Block Grants Advisory Committee
The Block Grants Advisory Committee has two unfilled vacancies to fill unexpired terms ending in July 2014 and July 2015, respectively. One application was received from Kaleb Norris. The nomination is to be made by Councilmember Orach to fill an unexpired term ending in July 2014 and direct Staff to readvertise the remaining vacancy as insufficient applications were received. Councilmember Orach indicated that he would like to defer his nominations and continue advertising. Additionally, Councilmember Orach indicated that he had previously overlooked an applicant who applied back in December because he thought that Mr. Allen would have a conflict serving on the Block Grants Advisory Committee. He has since spoken with the applicant and has determined that the conflict does not exist. Councilmember Orach indicated that he would like to postpone his appointment, and readvertise both vacancies for another month. He also asked that Mr, Norris' application be included with any others received.

Measure U2012 Citizens' Oversight Committee
Measure U2012 Citizens' Oversight Committee has three vacancies. Two appointments are to be made to serve a term ending in January 2015 and/or coterminous with the nominating Councilmember's term; and one appointment is to be made to serve a four-year term ending in January 2017 and/or coterminous with the nominating Councilmember's term. Councilmembers Boysen and Green will each make an appointment to fill the terms ending in January 2015, and Councilmember Orach will make an appointment to fill the term ending in January 2017. Three applications were received from Kristine Mollenkopf, Kaleb Norris, John Peters, and Alesia Yglesias.

Councilmember Boysen appointed John Peters to serve one term ending in January 2015.

Councilmember Green appointed Alesia Yglesias to serve one term ending in January 2015.

Councilmember Orach appointed Kristine Mollenkopf to serve one term ending January 2017.

On motion by Councilmember Orach, seconded by Councilmember Boysen, and carried unanimously that the appointments of John Peters, Alesia Yglesias, and Kristine Mollenkopf to the Measure U2012 Citizens' Oversight Committee were ratified.

Recreation and Parks Commission
The Recreation and Parks Commission has one vacancy to fill for an unexpired term ending in January 2015 and/or coterminous with the nominating Councilmember's term. Six applications were received from Fidenzio "Bruno" Brunello, Sara Edwards, Kenneth George, Kaleb Norris, Gabriel Morales, and Yleana Velasco. Nominations are made by individual Councilmembers, appointed by the Mayor and ratified by the City Council. Councilmember Green will make the nomination.

Councilmember Green nominated Yleana Velasco to serve an unexpired term ending in January 2015.

On motion by Councilmember Orach, seconded by Councilmember Boysen, and carried unanimously that the appointment of Yleana Velasco to the Recreation and Parks Commission was ratified.

5. MAYOR PRO TEM APPOINTMENT
City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. The City Council entertained a nomination from the Mayor for the appointment of Mayor Pro Tem for the remainder of calendar year 2013. The duties of the Mayor Pro Tem include acting on behalf of the Mayor in the Mayor's absence. Back in December the Mayor requested the appointment be continued until such time that the vacancy on the City Council has been filled.

Mayor Patino made a motion to nominate Councilmember Orach as Mayor Pro Tem for calendar year 2013.

Councilmember Boysen made a point of order indicating that Councilmember Orach had been serving as Mayor Pro Tem, and therefore sees no need to formally reappoint him. He also indicated that the nomination of Councilmember Orach as Mayor Pro Tem for two consecutive terms was not consistent with the past practice of appointing Councilmembers on an annual rotation.

On motion by Mayor Patino, seconded by Councilmember Zuniga, the nomination was ratified on the following vote:

AYES:	Councilmembers Green, Orach, Zuniga, and Mayor Patino
NOES:	Councilmember Boysen
ABSENT:	None
ABSTAIN:	None

6. RESOLUTIONS APPROVING AN AMENDMENT TO AND AN EXTENSION OF THE CURRENT MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 620 (SEIU).

Deputy City Manager Lara gave an overview as detailed in the written Council Agenda Report.

Although the vote was ratified, operational issues arose during the ratification process and staff requested the Council's authority to enter into a Side Letter Agreement with SEIU to address needed language changes for operational needs relative to commercial and residential collection services that may also impact landfill staff. Staff requested that a new Item No. 5 be added to Resolution 2013-26 to state "that staff is directed to work with SEIU in resolving operational issues in the solid waste collection and disposal program areas as it pertains to the Mandatory Time-Off Program."

Negotiations on the MOU extension with SEIU have concluded. The MOU extension and wage and benefit packages call for overall compensation concessions in the two and one-half (2.5%) to three and one-half (3.5%) percent range, including an increase in the City's contribution toward health insurance for the employees. The contract represents a total estimated annual savings to the General Fund of approximately $311,000.

Resolution No. 2013-26 was adopted, as amended, approving an amendment to and an extension of the current Memorandum of Understanding (MOU) with the Service Employees International Union Local 620 (SEIU) set to expire on December 27, 2013, with the inclusion of a new Item No. 5 that directs staff to work with SEIU in resolving operational issues in the solid waste collection and disposal program areas as it pertains to the Mandatory Time-Off Program, on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2013-16 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO AND AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 620.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the March 19, 2013, City Council Meeting, including presentations from the Fire Department on the Listos Graduates, Volunteer of the Month from the Recreation and Parks Department, and a presentation on the Budget Award of Excellence Program. Consent Agenda items include a Retention Schedule Update pertaining to Public Works grants, an FPPC Ticket Policy, and the Annual Weed Abatement Program and setting a Public Hearing for the April 16, 2013, meeting. Regular Business items include the 2012 General Plan Annual Report, and Alternate Councilmember appointments to SBCAG, APCD and the Multi-jurisdictional Solid Waste Task Group.

ORAL REPORTS BY COUNCILMEMBERS REGARDING AB1234.

Councilmember Zuniga had nothing to report.

Councilmember Orach presented Councilmember Green with a City of Santa Maria shirt to wear to functions.

Mayor Patino reported that she attended an SBCAG meeting.

Councilmember Green had nothing to report.

Councilmember Boysen attended the CCWA meeting in Santa Barbara, and clarified a misunderstanding regarding Planning Commissioner Quigley that took place at the last Council meeting during the presentation of the Appeal of the Planning Commission's decision to approve the SA Recycling project.

CLOSED SESSION:

The City Council recessed at 7:23 p.m. to a Closed Session to discuss:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code, one case: City of Santa Maria, et al. v. County of Santa Barbara [Property Tax Administrative Costs Recovery,

following the California Supreme Court's decision in the City of Alhambra, et al. v. County of Los Angeles, et al., (2012) 55 Cal. 4th 707]

After the Closed Session, the following report was given:

Conference with Legal Counsel – Anticipated Litigation: Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 7:39 p.m. in memory of Ann Newark and Betty Lewis Teixeira.

APPROVED

March 19, 2013
Date

Rhonda M. Garietz, CMC
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk